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February 2, 2023

Via Hand Delivery and email to Lee J. Rohn Esq. <[lee@rohnlaw.com](mailto:lee@rohnlaw.com)>

Lee J. Rohn, Esq.  
Lee J. Rohn and Associates, LLC  
53 King Street, 3<sup>rd</sup> Floor  
Christiansted, St Croix  
U.S. Virgin Islands 00820

**Re: *Petro v. IPOS, et al.*, Civil No. 1:21-cv-00312 (D.V.I.)**

Dear Attorney Rohn,

We write in response to your January 30, 2023 letter regarding deposition scheduling.

1. We do not agree to schedule fact witnesses depositions past the June 16, 2023 fact discovery deadline set in the First Amended Scheduling Order (Dkt. No. 136). There is more than enough time between now and June 16<sup>th</sup> to complete the depositions that all parties want to take. Moreover, you propose that the parties do not start taking any depositions until April 28 - three months from today. There is no requirement or reason to delay all depositions for three months. Even if you want to delay taking your depositions of Vitol and OPTIS witnesses until after you have received OPTIS's responses to Plaintiff's written discovery, depositions of other witnesses – including the Plaintiff – can and should start well before then. Moreover, we have significant scheduling conflicts in July.
2. Your correspondence reflects that you intend to take more than ten depositions, which exceeds the number of permitted depositions for a side absent leave of court under Fed. R. Civ. P. 30. Please narrow down your deponent list to a total of ten witnesses, which will also facilitate the scheduling process.
3. We do not agree to schedule two or three different depositions on a single day unless you agree, in advance, to limit the amount of time with each witness; we will agree to an equal limit on the amount of time we spend with the same witness. With that agreement, we can all ensure that we will complete each of the depositions scheduled for that day and not be required to bring witnesses back, reschedule, etc. Absent that agreement, we are setting up a future scheduling problem and wasting the time of witnesses and counsel. Absent such an agreement, we will have to schedule one deposition per day.
4. On January 30, we offered to present the three Vitol witnesses on dates that you and all counsel indicated were currently available. Our witnesses' calendars are dynamic and



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filling quickly and so we again request that you confirm their deposition dates on one of the offered dates so that we can block off the witnesses' calendars and release the other dates. As to each, we note:

- a. We offered Sebastian Moretti on May 25, a date on which all counsel were available. Due to his limited availability, we ask that the parties proceed with his deposition on May 25.
- b. As to Tim Kologinczak, we offered to present him on May 24 or May 25. We do not agree to present this witness for portions of two days. If you want to take his deposition without agreeing to a shorter time limit, please select one day to complete the deposition, ideally on May 24. If that does not work for you, we can also present him on April 25 or May 23.
- c. For Charlotte Horowitz, we offered May 18 or 19 or June 6, 7, or 8, all dates on which you said you were available. We also informed you that, although we do not yet have your proposed Rule 30(b)(6) topics, we anticipate she will be the designated witness for Vitrol Virgin Islands Corp. and suggested combining the depositions (as is standard practice in this jurisdiction). Even though we raised that specific issue, you did not combine her and the corporate deposition in your proposed schedule – yet you have consolidated the Petro 30(b)(6) deposition and Adrian Melendez's deposition on the same date. That needs to be a two-way street. If you want to combine Mr. Melendez's deposition with the Petro 30(b)(6), then you need to agree to the same approach on our side.

I look forward to resolving these issues before the February 3, 2023 meet and confer deadline.

Very Truly Yours,



Carl A. Beckstedt III

CAB:moh  
Encls.

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